

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 4, 1999

ALL COUNTY LETTER NO. 99-97

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: KINSHIP GUARDIANSHIP ASSISTANCE
PAYMENT (Kin-GAP) PROGRAM

REASON FOR THIS TRANSMITTAL

- ☒ State Law Changes
- ☐ Federal Law of Regulations
Change
- ☐ Court Order or Settlement
Agreement
- ☐ Clarification Requested by
One or More Counties
- ☒ Initiated by CDSS

REFERENCE: ALL COUNTY INFORMATION NOTICES I-27-99 AND I-40-99;
ALL COUNTY LETTER 99-92

The purpose of this letter is to instruct counties on the implementation requirements of the Kinship Guardianship Assistance Payment (Kin-GAP) Program established by Senate Bill 1901 (Chapter 1055, Statutes of 1998) and modified by Assembly Bill 1111 (Chapter 147, Statutes of 1999). Pursuant to Welfare and Institutions Code (WIC) Section 11369, the California Department of Social Services (CDSS) was given the authority to initially implement this legislation via All County Letter (ACL). Thus, counties should implement the Kin-GAP Program pursuant to this ACL effective January 1, 2000; this ACL will be followed by emergency regulations.

Kin-GAP Eligibility

The Kin-GAP Program will serve those children exiting the foster care system to enter a guardianship with a relative; the children may have been receiving either federal Aid to Families with Dependent Children-Foster Care (AFDC-FC) or California Work Opportunity and Responsibility to Kids (CalWORKs) benefits prior to entering the Kin-GAP Program.

To be eligible to receive a Kin-GAP payment, the child must have lived with the relative for at least 12 months, the relative guardianship must be established pursuant to WIC Section 366.26, and juvenile court dependency must be dismissed pursuant to WIC Section 366.3 any time after January 1, 2000. Once the dependency is dismissed, no follow-up services are required and the child welfare services case will be dismissed.

The remaining eligibility requirements for the Kin-GAP Program are based upon CalWORKs regulations, with some minor differences. The Kin-GAP child is subject to all CalWORKs requirements, as they pertain to child-only cases, except for the following:

- County of Payment Responsibility: County of payment responsibility will be the county which had the dependency of the Kin-GAP child (placing county) at the time the guardianship was established. Thus, for those children who are in receipt of CalWORKs prior to entering Kin-GAP and who are placed out-of-county, an Intraprogram Status Change to Kin-GAP and an Inter-County Transfer (ICT) may be necessary to transfer the child's case back to the placing county.
- Assistance Unit: Each Kin-GAP child will have his or her own assistance unit, even if there is a sibling(s) or a needy caretaker relative living in the same home.

- Monthly CW 7 Submission: CW 7s, for Kin-GAP children, will only be required in months where there is actually income to the child; CW 7s will not be necessary in those months where the child receives no income. Monthly CW 7s will still be required for the caretaker relative and other children in the home who receive CalWORKs cash aid.
- MAP: Payment rates for Kin-GAP are identical to the foster care basic rate including those counties which have slightly higher rates. Attachment A lists the rates as of January 1, 2000.
- Recipients: Kin-GAP children will be treated as recipients, as opposed to applicants, when transferring to Kin-GAP. Therefore, in regard to the CalWORKs income and property limits, they will be entitled to the higher recipient limits. This status will continue even if the case is discontinued and later reestablished.
- Face-to-Face Interviews: Relative caretakers of Kin-GAP children are exempt from face-to-face interview requirements for the Kin-GAP child. This does not exempt the relative from any other required interview for aid for themselves or other children living in their home.

Special Payments

If a Kin-GAP child has a child of his or her own who lives with the related legal guardian, the related legal guardian is entitled to receive an Infant Supplement on behalf of the Kin-GAP minor parent's child, where appropriate, pursuant to Manual of Policy and Procedures (MPP) Section 11-415. The child of the Kin-GAP minor parent is not entitled to a CalWORKs payment. If the child of the Kin-GAP minor parent is also in a guardianship situation and is otherwise eligible for Kin-GAP with the relative caretaker, the relative can receive a Kin-GAP payment on behalf of both the minor parent and his or her child.

The related foster care provider of a child receiving Kin-GAP is entitled to the Allowance for Funeral Expenses, where appropriate, pursuant to MPP 11-420.2.

A child receiving a Kin-GAP payment is **not** entitled to a specialized care increment (MPP 11-401.3) nor a clothing allowance (MPP 11-420.1).

Aid Codes and Medi-Cal

Aid code 4F is used for Kin-GAP children who are receiving federal Kin-GAP payments. Kin-GAP children who are State eligible (non-qualified aliens) will use aid code 4G. These aid codes will be categorically eligible for full-scope Medi-Cal services with no share of cost.

Food Stamps

For Food Stamps purposes, children receiving Kin-GAP will be treated the same as children who receive Aid to Families with Dependent Children – Foster Care (AFDC-FC) benefits.

Parent Returns to the Home

If the Kin-GAP child and either of his or her parents reside in the same home, eligibility for Kin-GAP ceases, and an Intraprogram Status Change to CalWORKs should be initiated. This does not apply where a minor parent and his/her child are living with the same relative caretaker and the minor parent is receiving Kin-GAP and his/her child is receiving either Kin-GAP or an Infant Supplement.

Caretaker and Child Move Out-of-State

If the caretaker relative and the Kin-GAP child move outside of the State of California, eligibility for Kin-GAP ceases as the child no longer meets the CalWORKs residence requirements.

Forms and Notices

A workgroup, which was identified by the County Welfare Director's Association, is working to modify the appropriate forms and notices to reflect the implementation of the Kin-GAP Program. We anticipate that modified and, if appropriate, new forms and notices of action will be available from the warehouse as soon as possible.

Counties should note that prior to dismissal of the dependency pursuant to WIC 366.3, the relative provider should be provided a copy of the SOC 369, which informs the provider of the potential financial disadvantage of taking guardianship. This form will also be revised to contain information about Kin-GAP and will be available through the warehouse as soon as possible.

Questions pertaining to the Kin-GAP Program should be directed to your county's Foster Care Funding Consultant at (916) 324-5809.

Sincerely,

*Original Signed by Wesley A. Beers
On November 4, 1999*

WESLEY A. BEERS, Acting Deputy Director
Children and Family Services Division

c: CWDA

Attachment A

Kin-GAP Rates effective January 1, 2000

County	Age				
	0-4	5-8	9-11	12-14	15-18
Basic Rate	\$393	\$428	\$457	\$506	\$553
Los Angeles	\$393	\$434	\$481	\$522	\$573
Orange	\$393	\$429	\$457	\$604	\$604
San Mateo	\$406	\$443	\$473	\$524	\$572
Santa Clara	\$393	\$428	\$481	\$506	\$553

County	0-4	5-6	7-12	13-18
Marin	\$419	\$428	\$510	\$582